The Andhra Pradesh Yogadhayana Parishad Act, 1987

Act 25 of 1987

Keyword(s):
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THE ANDHRA PRADESH YOGADHYAYANA PARISHED ACT, 1987.

ACT No. 25 OF 1987.*

[23rd April, 1987.]

An Act to provide for the constitution of Andhra Pradesh Yogadhyayana Parishad for providing Education and Training in Yoga and Naturopathy in the State of Andhra Pradesh and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty eighth Year of the Republic of India as follows:-

CHAPTER-I.

PRELIMINARY.

1. (1) This Act may be called the Andhra Pradesh Yogadhyayana Parishad Act, 1987. Short title, extent and commencement.

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*Received the assent of the Governor on the 24th April, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 27th April, 1987, at page 15.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification, appoint.

Definitions. 2. In this Act, unless the context otherwise requires:—

(a) "Centre" means a study Centre established by the Parishad;

(b) "Governing Council" means the Governing council constituted under section 6;

(c) "Government" means the State Government;

(d) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(e) "Parishad" means the Andhra Pradesh Yogadhyayana Parishad established under section 3;

(f) "prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER-II.

Establishment of Yogadhyayana Parishad

Establishment and affiliation of Yogadhyayana Parishad. 3. (1) There shall be established by the Government by notification for the State of Andhra Pradesh a Parishad by the name of "The Andhra Pradesh Yogadhyayana Parishad".

(2) The headquarters of the Parishad shall be at Hyderabad.

(3) The Parishad shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules made thereunder, to acquire, hold and dispose of

property and to enter into contracts and shall by the said name sue and be sued.

(4) The Parishad established under sub-section (1) shall, notwithstanding anything contained in the University of Health Sciences Act, 1986 be deemed to have been affiliated to the University of Health Sciences. Act 6 of 1986.

4. The objects of the Parishad shall be— Objects of the Parishad.

(i) to provide for education and training in Yoga and naturopathy;

(ii) to promote health by the prevention of diseases;

(iii) to provide effective cure and treatment of diseases by the system of Yoga and naturopathy;

(iv) to undertake and promote research in Yoga and naturopathy.

5. The Parishad shall have the following powers and functions, namely;— Powers and functions of the Parishad.

(a) to release grants to the Nature Cure and Yoga institutions from out of the funds received from the Government in that behalf;

(b) to over see the functioning of the nature cure and Yoga institutions referred to in clause (a);

(c) to grant permission with the approval of the Government for the establishment of institutions imparting education and training in Yoga and naturopathy;

(d) to formulate and maintain uniform curriculam and system of examinations in respect of all teaching institutions of Yoga and naturopathy;

(e) to provide for instructions and training in Yoga and naturopathy and to make provision for

research and for the advancement and dissemination of knowledge therein;

(f) to provide instructions for such courses of study as it may determine and issue certificates in respect thereof;

(g) to hold examinations in the manner prescribed;

(h) to prescribe conditions under which a certificate may be with-held;

(i) to institute, maintain and administer Parishad colleges, hospitals and institutes of research, libraries or other institutions necessary to carry out the objects of the Parishad;

(j) to co-operate with any University, authority or association or any other public or private body within or outside India with purposes and objects similar to those of the Parishad on such terms and conditions as may, from time to time be prescribed;

(k) to establish and maintain hostels for the students of the Parishad;

(l) to fix fees and to demand and receive such fees as may be prescribed;

(m) to undertake, publication of works of merit research pertaining to Yoga and Naturopathy;

(n) to manage and control all immovable and movable properties transferred to the Parishad at the commencement of this Act or subsequent thereto.

(o) to do all such acts and things necessary or incidental to the objects of the Parishad.

Governing Council.

6. (1) There shall be a Governing Council for the Parishad consisting of the following members, namely:—

(i) the Minister in-charge of Medical and Health who shall be the Chairman;

(ii) the Vice-Chancellor of the University of Health Sciences, who shall be the Vice-Chairman.

Members.

(iii) the Secretary to Government, Health, Medical and Family Welfare Department;

(iv) the Secretary to Government, Finance and Planning (Finance), Department;

(v) one eminent Neurophysician to be nominated by the Government;

(vi) two exports well versed in the field of Yoga or Naturopathy to be nominated by the Government.

(2) There shall be whole time Secretary to the Parishad appointed by the Government who shall function under the administrative control of the governing council:

Provided that until a whole-time Secretary is appointed under this sub-section, the Director of Indian Medicine and Homoeopathy shall perform the functions of Secretary.

Powers and functions of the Governing Council.

7. (1) The governing council shall be the principal policy formulating body of the Parishad and shall have the following powers and functions, namely:—

(a) to make regulations for fulfilling the objects of the Act;

(b) to take decisions for mobilising and borrowing money for carrying out the activities of the Parishad;

(c) to promote research and dissemination of knowledge in Yoga and Naturopathy in collaboration with kindred institutions;

(d) to consider and take such action as it deems fit on the annual report, the annual accounts and the financial estimates;

(e) to enter into an agreement with the Central or any State Government or with a private management for assuming management of any institution, dispensary or hospital and for taking over its properties and liabilities or for any other purposes of this Act:

(f) to decide and regulate all matters concerning the Parishad in accordance with this Act, rules and the regulations;

(g) to appoint persons to the various posts in the institutions, dispensaries and hospitals and to fix their emoluments, define their duties and terms and conditions of service and provide for filling up of vacancies;

(h) to hold, control and administer the properties of the Parishad;

(i) to direct the form, custody and use of the comman seal of the Parishad;

(j) to administer the funds placed at the disposal of the Parishad for specific purposes;

(k) to accept on behalf of the Parishad endowments, bequests, donations, grants and transfer of any moveable and immoveable properties made to the Parishad;

(l) to raise on behalf of the Parishad loans, from the Central or any other Government or the public or any other financial institutions;

(m) to levy and collect such fees as may be prescribed for various specific services rendered;

(n) to construct, establish and maintain institutions, dispensaries and hospitals;

(o) to purchase, maintain and allocate quality equipment to various institutions, dispensaries and hospitals;

(p) to provide the services of specialists at various hospitals;

(q) to exercise such other powers and perform such other functions as may be conferred or enjoined upon it by the Act or the rules;

(2) The governing council may, by an order in writing, delegate all or any of its powers to the Secretary or to any other Officer of the Parishad for the effective fulfilment of the objectives of the Parishad.

Meetings of the Governing Council.

8. (1) The governing council shall hold ordinary meetings at such intervals as may be prescribed by regulations and a meeting may be convened by the Chairman at any time for the transaction of any urgent business.

(2) The number of members necessary to constitute a quorum at a meeting and the procedure to be followed thereat shall be such as may be prescribed by regulations.

Disaffiliation of certain Institutions from the concerned Universities.

9 Notwithstanding anything in Sri Venkateswara University Act, 1954, and the Osmania University Act, 1959, Sri Venkateswara Institute of Yoga and Allied Sciences, Tirupathi and the Gandhi Nature Cure College, Hyderabad shall, with effect on, and from a date to be notified be disaffiliated from the concerned University.

Establishment of Study Centres.

10. (1) It shall be competent for the Parishad to establish as many Study Centres as it may consider necessary, from time to time, in addition to those specified in this section to provide for research, advancement and dissemmination of knowledge in Yoga and Naturopathy.

(2) The Parishad shall with effect from a date to be notified establish a Study Centre to be known as—

Sri Vemana Yogadhyayana Kendramu at Hyderabad comprising of,—

(i) the Gandhi Nature Cure College, Hyderabad.

(ii) the Nature Cure Hospital, Hyderabad.

(iii) Vemana Yoga Research Institute, Hyderabad.

(3) The Institution known as Sri Venkateswara Institute of Yoga and Allied Sciences Tirupathi, existing on the date of commencement of this Act shall become study Centre of the Parishad to be known as "Sri Venkateswara Yogadhyayana Kendramu, Tirupathi with effect from a date to be notified.

Vesting of certain institutions with the Parishad.

11. (1) With effect from such date as may be notified,—

(a) the institutions known as the Gandhi Nature Cure College, Hyderabad, the Nature Cure Hospital Hyderabad and Vemana Yoga Research Institute Secunderabad, shall stand transferred to and vest in the Parishad and shall function under the administrative control of the Parishad;

(b) all properties, assets and liabilities, rights and obligations in relation to the said institutions and all obligations of the Government in relation to them shall devolve upon the Parishad;

(c) every officer or employee who, immediately before that date was working in said institutions shall be deemed to be the officer or employee of the Parishad;

Provided that,—

(i) the terms and conditions applicable to such officers or employees consequent on their

absorption in the service of the Parishad shall not be less favourable than those applicable to such officers and employees immediately before such absorption as respects pay and allowances, leave, pension, gratuity, provident fund and age of superannuation;

(ii) the services rendered by any such officer or employee in the aforesaid institutions prior to his absorption in the parishad shall be deemed to be service under the Parishad and he shall be entitled to count that service for the purposes of increment, leave, pension, provident fund and gratuity:

Provided further that if any officer or employee of the institution aforesaid is unwilling to be absorbed into the service of the Parishad he may opt to retire from the service of such institution with effect from the date notified under this section on such terminal benefits as are available to him under the concerned institution.

(2) In addition to the staff transferred and absorbed to the Parishad under sub-section (1), the Parishad may with the prior approval of the Government appoint such other officers and employees on such terms and conditions as may be prescribed from time to time.

12. (1) The Parishad shall have its own funds consisting of:— Funds of the Parishad.

(a) grants from the State Government and Central Government;

(b) all monies received by or on behalf of the Parishad under the provisions of this Act or any other law for the time being in force, or under any other contract;

(c) all proceeds of the disposals of the property by or on behalf of the Parishad;

(d) all monies received by or on behalf of the Parishad from public bodies, private bodies or private individuals by way of grants, gifts or deposits;

(e) all interests and profits arising from any investment or from any transaction in connection with any money belonging to the Parishad.

(2) All monies belonging to the Parishad shall be deposited in such banks or invested in such manner, as the governing council may decide.

(3) The Parishad may spend such sums as it may deem fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the fund.

CHAPTER-III.

Miscellaneous.

Annual financial statement.

13. (1) The Parishad shall prepare an annual financial statement on or before such date as may be prescribed of the estimated capital and revenue receipts and expenditure for the ensuing year.

(2) The said statement shall include a statement of salaries and allowances of members, officers and servants of the Parishad and of such other particulars as may be prescribed.

(3) The Government shall, as soon as may be after receipt of the said statement, cause it to be laid on the table of Legislative Assembly of the State.

(4) The Parishad shall take into consideration any comments made on the said statement in the Legislative Assembly of the State.

(5) The Parishad may at any time during the year in respect of which a statement under sub-section (1) has been submitted, submit to the Government a supplementary statement, and all pro-

visions of this section shall apply to such statement as they apply to such statement under the said sub-section.

14. (1) The Government may, with the approval of the Legislative Assembly of the State, from time to time make subventions to the Parishad for the purpose of this Act on such terms and conditions as the Government may determine. Subventions and loans to the Parishad.

(2) The Government may, from time to time advance loans to the Parishad for purposes of this Act on such terms and conditions as the Government may determine.

15. (1) The Parishad may, from time time, with the previous sanction of the Government and subject to the provisions of this Act, and to such conditions as may be prescribed, borrow any sum required for the purposes of this Act. Powers of Parishad to borrow.

(2) The maximum amount which the Parishad may at any time borrow under sub-section (1) shall be two lakhs rupees unless the Government by notification fix higher maximum amount.

16. (1) The Parishad shall cause proper accounts and other records in relation thereto to be kept, including the proper systems of internal check and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet in such form as may be prescribed by regulations. Accounts and Audit.

(2) The accounts of the Parishad shall be audited by such persons as may be appointed by the Government and any expenditure incurred in connection with such audit shall be payable by the Parishad to the Government.

(3) The person so appointed and any other person authorised by him in connection with the audit of the accounts of the Parishad shall have the

same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Parishad.

(4) The account of the Parishad certified by the person so appointed or any other person authorised by him in this behalf together with the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Parishad in respect thereof as they deem fit and the Parishad shall comply with such instructions.

(5) The Government may cause the accounts of the Parishad together with the audit report thereon forwarded to them under sub-section (4) to be laid annually before the Legislative Assembly of the State.

Authentication of orders and other instruments of the Parishad.

17. All orders and decisions of the Parishad shall be authenticated by the signature of the Secretary or any other officer authorised by the Secretary in this behalf and all other instruments issued by the Parishad shall be authenticated by the signature of such officer of the Parishad as may be authorised by the Parishad in this behalf.

Inspection and control.

18. The Government shall have the right to cause an inspection to be made by such person or persons as they may direct of the affairs and properties of the Parishad, its buildings, libraries and equipment maintained by the Parishad and also to cause an enquiry to be made into any matter connected with the functioning of the Parishad. The Government shall in every case give notice to the Parishad of their intention to cause such inspection or enquiry to be made

and the Parishad shall be entitled to be represented thereat.

19. The Parishad may, with the previous approval of the Government, make regulations not inconsistent with this Act and the Rules made thereunder to provide for all or any of the following matters, namely:— Power to make Regulations.

(a) the administration of the funds and other properties of the Parishad and the maintenance of its accounts;

(b) the procedure to be followed at the meeting of the governing council and the manner in which the council shall conduct its meeting;

(c) the duties of officers and employees of the Parishad and their salaries, allowances and other conditions of service;

(d) the procedure to be followed by the Parishad for inviting, considering and accepting tenders; and

(e) any other matter arising out of the Parishad's functions under this Act in respect of which it is necessary or expedient to make regulations.

20. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power to make rules.

(2) Every rule made under this Act, shall, immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if

it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive Sessions, and if, before the expiration the Sessions in which it is so laid or the Session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule, shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.